

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.2982 of 2018 (O&M)
Date of Decision.04.10.2018**

Mahabir

...Petitioner

Vs

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl.A.G., Haryana with
Mr. Manoj Dhankhar, AAG, Haryana.

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AMIT RAWAL J.

The petitioner approached this Court for quashing of notifications dated 12.12.2008 (Annexure P-2) and 11.12.2009 issued under Sections 4 & 6 respectively of the Land Acquisition Act, 1894 (for short '1894 Act'), much less, award dated 07.07.2011 passed by the Land Acquisition Collector with further prayer for issuance of appropriate direction to the respondents to release the unutilized land from acquisition comprised in Khasra Khewat No.432, Khatoni No.465, Mustil No.38, Killa No.16 measuring 8 kanals 9 marlas on the premise that residential house has been constructed on the abovesaid land and to prove the same, reliance has been laid to electric bills. Petitioner is stated to have raised objections under Section 5-A of the 1894 Act but of no avail.

The point involved in the present case is, whether the petitioner, who remained unsuccessful despite the fact that notifications aforementioned were assailed vide CWP No.19059 of

2011 titled as “Jitender and others Vs. State of Haryana and others”, which has attained finality, can be permitted to re-agitate the issue, the answer would be “no”.

It appears that an attempt has been made to rake up issue again, which is not permissible in law. As per the facts pleaded, writ petition challenging the aforementioned notifications was dismissed by this Court vide order dated 24.09.2014 (Annexure P-8). Dissatisfied with the aforementioned order, challenge was made to the same in the Hon'ble Supreme Court in SLP (C) No.17566 of 2015 titled as “Mahabir Vs. State of Haryana and others” and vide order dated 16.07.2015, the matter attained finality.

Under the garb of releasing the unutilized land, an attempt has been made to challenge the acquisition. We are afraid that aforesaid action on behalf of the petitioner cannot fall within the realm of judicial review by invoking the extraordinary jurisdiction of this Hon'ble Court under Article 226/227 of the Constitution of India. No ground for interference is made out.

The writ petition stands dismissed.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 04, 2018

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No